



# City of Harrisonburg, Virginia

## Planning Commission Meeting

April 14, 2010

7:00 p.m.

Regular Meeting  
409 South Main Street

1) Call to order, roll call, determination of quorum, and review/approval of minutes from the March 10, 2010 regular meeting.

2) New Business

*Rezoning – Southbury Station Proffer Amendment 2010*

Public hearing to consider a request from Bill Neff, with representative Babcock, LLC, to rezone 60.43 +/- acres by amending proffers on property zoned R-5C, High Density Residential District Conditional. The property has approximately 40-feet of frontage along South Main Street with the majority of the property located between Boxwood Court and Kaylor Park Drive, adjacent to I-81. The properties can be found on tax maps 2-C-1, 2-D-0, 6-10, and 103-A-5A.

*Preliminary Plat – Variance Request Potters House Worship Center 2010*

Consider a request from Daniel A. Garber and others, Trustees to preliminarily subdivide a 10,000 sq. ft. parcel from a 7.57-acre lot with variance requests from the Subdivision Ordinance Sections 10-2-66 and 10-2-67. The property is zoned R-1, Single Family Residential District and is located at 1911 West Market Street and can be found on tax map 123-A-4.

*Special Use Permit – 627 South Mason Street (Major Family Day Home)*

Public hearing to consider a request from Richard Chew, with representative Tara Koontz, for a special use permit per Section 10-3-180 (5) of the Zoning Ordinance to allow a Major Family Day Home within the U-R, Urban Residential District and the R-P, Residential Professional Overlay District. The property is located at 627 South Mason Street and can be found on tax map 25-N-15.

*Rezoning – 139 & 147 West Water Street*

Public hearing to consider a request from Stephan Hess to rezone two parcels totaling 15,135 +/- sq. ft. from R-3C, Multiple Dwelling Residential District Conditional to B-1, Central Business District. The properties are located at 139 and 147 West Water Street and can be found on tax maps 25-C-8 & 9.

3) Unfinished Business

4) Public Input

5) Report of secretary and committees

*Proactive Zoning*

6) Other Matters

*Davis, CA presentation*

*Comprehensive Plan progress*

7) Adjournment

Staff will be available Tuesday May 11, 2010 at 2:30 p.m. for those interested in going on a field trip to view the sites for the May 12, 2010 agenda.

**MINUTES OF HARRISONBURG PLANNING COMMISSION**  
**March 10, 2010**

The Harrisonburg Planning Commission held its regular meeting on Wednesday, March 10, 2010, at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Richard Baugh, Charles Chenault, Muawia Da'Mes, Bill Jones and J.M. Small.

Members absent: Alan Finks and Deb Fitzgerald.

Also present: Stacy Turner, Director of Planning and Community Development; Adam Fletcher, City Planner; Alison Banks, Planner and Secretary.

Chairman Jones called the meeting to order and determined there was a quorum with five of seven members in attendance. He then asked for review and approval of the minutes from the February 10, 2010 regular Planning Commission meeting.

Mr. Chenault moved to approve the minutes.

Mr. Da'Mes seconded the motion.

All voted in favor of approving the minutes. (5-0)

**New Business**

**Rezoning – 1351 North Main Street (HRCSB)**

Chairman Jones read the request and asked staff to summarize.

Mr. Fletcher said the Comprehensive Plan designates this area as Public / Semi-Public. This designation includes both existing and proposed public and semi-public use. They include lands owned or leased by the Commonwealth of Virginia (except for institutions of higher learning), the federal government, the City of Harrisonburg, and other governmental organizations.

The following land uses are located on and adjacent to the property:

Site: Two-story structure used as office space, zoned B-2C

North: Dwelling unit, zoned R-2

East: Across North Main Street, non-conforming dwelling unit, zoned M-1 and the Blakely Court townhouse community (under construction), zoned R-4

South: Harrisonburg-Rockingham Community Services Board offices, zoned B-2

West: Parking area serving Harrisonburg Rockingham Community Services Board, zoned B-2

The Harrisonburg Rockingham Community Services Board (HRCSB) is requesting to amend proffers on their 46 +/- acre parcel zoned B-2C, General Business District Conditional. Located along North Main Street, this parcel is one of five properties that make up HRCSB's campus, which totals approximately 4.3 acres. Their four adjacent properties are zoned B-2. The purpose of the rezoning is to remove the existing proffers and to potentially build an additional structure to house a Crisis Stabilization Unit (CSU). In reality, HRCSB has enough property that would allow the construction of an additional building for a CSU use, without going through the rezoning process; however, the desired location for the building would straddle the zoning boundary between their B-2 and B-2C zoned property, and therefore requires the rezoning.

A Crisis Stabilization Unit, or CSU, is a supervised residential program that provides a location for adults to stay for no longer than 15 days, who may be experiencing a mental health crisis. Individuals, who may be in transition to the community, after inpatient psychiatric care, may also take advantage of this program. As noted by HRCSB, the program would be staffed around the clock by trained mental health professionals. The program would not accept individuals who are dangerous or with a primary diagnosis of substance abuse. Additionally, the program would be licensed by the Virginia Department of Behavioral Health and Development Services and would operate in conformity with regulations of the Virginia Department of Medical Assistance Services. The Crisis Stabilization Program is contingent upon available funding; however HRCSB is organizing their efforts to be prepared to move forward with the program.

In 2000, HRCSB successfully rezoned the subject parcel from R-2 to B-2C. Since taking ownership of the property, HRCSB has used the cape cod-style, single family structure for office and business space. The existing proffers specify the 0.46-acre property can only be used for the following:

- Mercantile establishments which promote the show, sale and rental of goods, personal service establishment, and other shops or stores customary to shopping centers and convenience outlets, *excluding* restaurants and night clubs.
  - Governmental, business and professional offices and financial institutions.
  - Theaters, community rooms, museums and galleries and other places of assembly for the purpose of entertainment or education, including clubs, for recreational and leisure-time activities which are compatible with surrounding uses, *but excluding* movie theaters.
  - Religious, education, charitable or benevolent institutions which do not provide housing facilities.
  - General service or repair shops that do not generate excessive noise, require outside storage or generate truck traffic.
  - Radio and television stations and studios, recording studios, *excluding* those having antennae or communications towers.
  - Public utilities, public service or public transportation uses or buildings, *excluding* utility generating, purification or treatment plants; water storage tanks; pumping or regulator stations; telephone exchange and transformer or substation.
  - Warehouse and other storage facilities with floor area limited to 20,000 square feet, which are contiguous to permitted uses in the B-2 district, *excluding* wholesale or retail warehousing.
  - Funeral homes.
  - Public and privately owned parking lots and parking garages.
  - Accessory buildings, uses customarily incidental to any of the above listed uses.
  - Research and development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district and which involve no more than 15% of the gross floor area in the assembling or processing of products. Any assembling or processing shall only involve products developed on the premises. All services and storage shall be conducted within the principal structure which is to be completely enclosed.
  - Plant nurseries and greenhouses provided any outside storage of materials, other than plants, must be screened.
- Public Uses.
- Uses hereafter approved by the Planning Commission upon request of the owner, and uses for which a special use permit is obtained pursuant to the ordinances of the City of Harrisonburg.

- Unless otherwise approved in writing by the Agent, no improvements hereafter constructed on property shall exceed three stories or 40 feet in height.

If approved, all uses as specified in the B-2 district would be permitted.

As mentioned above, the purpose of the application is to rezone the 0.46-acre property removing the existing proffers. This is necessary as the existing proffers do not permit hotels, motels and similar transient accommodations, which is how the CSU use would be categorized. Although not proffered, HRCSB's plan is to maintain the single family structure and to remove the property boundaries to make way for the CSU building. This structure would be built directly behind the existing cape cod building and would be two stories—slightly lower in height than their adjacent main office building. No additional parking is planned or is necessary as HRCSB currently exceeds their parking requirements.

HRCSB has submitted one proffer with their application which includes erecting a privacy fence that would extend from the front, right corner of the existing single family structure, and then turn northwestward and ultimately connect with the privacy fence that already stands on their property. (An illustration depicting the fence's location is provided within the packet.)

Although the adjoining property to the north is used and zoned residentially, staff does not believe there would be negative impacts to this property, and therefore has no concerns with this application. As already mentioned, if the rezoning were denied, HRCSB could still build the planned building and utilize it in a different manner and/or relocate the building several feet to the west and continue with their plans for the CSU use. The proffered privacy fence should help buffer the planned building and use from the residential property to the north while also providing solitude for those receiving help from HRCSB. Furthermore, other than the HRCSB-owned properties, which are designated public/semi public by the Comprehensive Plan, the surrounding properties are designated as Commercial and therefore this application is in conformance with the City's long term plans.

Staff supports a favorable recommendation to approve the proffers on this B-2C property.

Chairman Jones asked if there were any questions for staff. Hearing none, he opened the public hearing and asked if the applicant's representative would like to speak.

Mr. Lacy Whitmore, Executive Director of the Harrisonburg Rockingham Community Services Board, said that his office is located in the 1241 North Main Street office building of the HRCSB, and he has a number of locations around town. I want to give a few brief comments about the program proposed for this location. Currently, we already have individuals coming to the CSB on a daily basis, who are either in crisis, or perhaps on the slippery slope of a crisis. Part of the intent of this program is for us to be able to provide a safe, welcoming, twenty-four hour a day environment next door to our office, where we can share staff and resources. This facility would allow us to invite someone to a "time-out" place before their crisis gets worse or possibly heads to an emergency situation that may result in hospitalization. Our hope is to have a seven bed program, staffed twenty-four hours a day by mental health professionals that would be able to provide a safe and welcoming spot for a "time-out." These individuals are primarily people that we are already seeing at the next door location on a day-to-day basis. We will be in full compliance with the many State regulations regarding this type of facility.

I have met with the adjoining home owner twice and he is very willing to work with us on this venture; we designed the proffered fence with input from him. We feel that we also have positive

input from other neighbors in this area. I would appreciate your consideration on this matter and if you have questions regarding the building or the site, both the project architect and engineer are here to answer those questions.

Chairman Jones asked if there were any questions for the applicant. Hearing none, he asked if there was anyone wishing to speak in favor of the request. Hearing none, he asked if there was anyone wishing to speak in opposition of the request. Hearing none, he closed the public hearing.

Mr. Chenault moved to recommend approval of the rezoning. This is a great location for this campus; it is a good transitional use of the property between what is existing and what possibly could be constructed in the commercial and industrial zoned area.

Mr. Snell seconded the motion.

Chairman Jones said there is a motion to recommend approval and a second. He then called for a voice vote on the matter.

All voted in favor of the motion to recommend approval. (5-0)

Mr. Fletcher said this will go before City Council on April 13<sup>th</sup>.

#### ***Rezoning – EMU Master Plan Change 2010***

Chairman Jones read the request and asked staff to report.

Mrs. Banks said the Comprehensive Plan designates the area as Institutional. These lands are designated for development by certain nonprofit and public institutional uses such as colleges and universities, hospitals, offices of nonprofit organizations, community assembly uses and institutions which provide for the shelter and care of people.

The following land uses are located on and adjacent to the property:

- Site: Educational, recreational and residential buildings, parking lots, and common area associated with the University, zoned R-3 / I-1
- North: Park View neighborhood, zoned R-2
- East: Eastern Mennonite School, zoned R-3 / I-1
- South: Across Mount Clinton Pike, commercial uses, zoned B-2 and residential uses, zoned R-2
- West: Village Square townhouses and residential uses, zoned R-3

Eastern Mennonite University (EMU) is requesting to make modifications to their master plan, which was originally approved in 1998. During the original proposal EMU illustrated their existing campus layout and depicted where additions to building and parking lots were planned. The I-1, Institutional Overlay District requires master plan approval, which permits flexibility with setbacks, building heights, and parking regulations. Over the past twelve years several buildings and parking lots have been constructed in compliance with the approved plan. The proposed amendments to the master plan include illustrating where the university would like to incorporate structures that would provide energy from solar panels, making modifications to maximum building height, relocating buildings, and to incorporate new property into the plan. EMU consists of several parcels, totaling 1.89 acres, which are bound by Mount Clinton Pike, Dogwood Drive, Virginia Mennonite Retirement Community, and Eastern Mennonite High School. This amendment only takes into

account a 42.9 +/- acre portion of the EMU campus, those parcels of the campus which are directly south and west of Parkwood Road.

EMU recently re-examined the 1998 master plan to see if it needed updating in order to reflect the ever changing conditions that affect the school and campus. One area that EMU saw as a priority for the overall campus was to include the implementation and use of green technology; therefore, the first change is to install renewable energy solar panels at four locations within the EMU campus. These panels would provide energy from solar cells which in turn would be utilized by EMU. All equipment associated with the solar panels would be interiorly housed. The four locations are:

- Hartzler Library roof top
- University Commons parking lot
- Hillside Dormitory roof top
- Turf field parking lot (future)

Each roof top panel attaches directly to the roof and would vary between two and twelve inches in height depending on the roof and slope. The Hillside roof panels would actually be lower than the existing roof and would only be along the southern portion of the building. The Hartzler Library panels would have a southward facing slope and would not exceed five feet above the current building height of 40 feet. Thus, the overall building height for the library would be no greater than 45 feet.

The parking lot panels would rest on carport style support structures and vary in height from 8 ½ to 20 feet. This allows for vehicles to park underneath the panel structure. The support columns would be located such that all existing parking spaces are retained. The panels would run parallel with parking stalls and the 20 foot minimum drive aisles would remain open for vehicular access; therefore, the parking lots would remain usable. The solar panels proposed for the University Commons parking lot would maintain a five foot setback from the property line with Dogwood Drive. The five feet is from the edge of the actual panel and not the support structure, which would sit further back from the property line. On the 1998 master plan, the narrative proposed a landscape buffer, at a minimum of ten feet, consisting of suitable trees and / or shrubs, along the perimeter (adjacent to a public street), of the parking lot serving the University Commons. This landscape buffer is currently in place and would remain; however, the panels would over-hang the buffer by five feet. The turf parking lot is planned for future construction and the solar panels designed for this parking lot would be similar in design to the University Commons panels but would have a setback of 24 feet from the property line with Eastern Mennonite High School.

Two other changes are proposed with this amendment. A 30,000 square foot addition to the Suter Science Center, originally designed for the north and eastern sides of the building in 1998, is now planned along the south side. This addition is shown on the proposed amendment as crossing over a property line to the south. A subdivision to vacate the line would need to be completed prior to construction of the addition. The final change is the addition of a parcel into the I-1 overlay district. The house and property at 1110 Park Road were acquired by EMU after approval of the 1998 master plan and the applicant desires to incorporate them into the plan. The dwelling is currently being used for housing.

Harrisonburg Electric Commission has been in conversation with EMU regarding the solar panel project and from their standpoint there should not be any problems with the solar usage and interconnection.

In reviewing the Plan, it should be noted that this is a review of the development plan only and that each campus facility would require separate approval to insure compliance with building codes and with the City's design and construction standards.

Staff is supportive of the 2010 master plan amendment. The submitted changes are in keeping with the intentions of the I-1 district and staff does not foresee negative impacts to the surrounding neighborhood. Staff welcomes EMU's plan to incorporate green infrastructure and hopes it encourages similar technology in our area.

Chairman Jones asked if there were any questions for staff. Hearing none, he opened the public hearing for the rezoning request and asked if the applicant or applicant representative would like to speak.

Mr. Ed Blackwell with Blackwell Engineering said he is representing the applicants, Eastern Mennonite University. Also here tonight to answer any questions are Ron Piper with EMU; Eldon Kurtz with EMU facility management; Tony Smith, who actually works at EMU in the Business Department, and is also part of the team which will be installing the solar system; and Johann Zimmerman, structural engineer who will be doing the structural layout for the panels. What initiated this master plan upgrade were the solar panels; but, while doing that change there were changes to the Suter Science Center, which needed to be made and the inclusion of the new parcel. Staff has done an excellent job; however, if you have any further questions we would be happy to answer them.

Mr. Da'Mes asked if there were batteries associated with the solar panels and would they be housed in a building or separate facility.

Mr. Tony Smith, Co-Director of the MBA program with EMU and also with Secure Futures, the company who would be installing the solar power generation system, said in this case we have had conversation with the Harrisonburg Electric Commission so that the University would interconnect directly to the grid. As the panels generate power, it will be used instantaneously to supply the electrical needs of the University. In a rare occasion when there is less demand than the panels are producing, HEC has agreed to accept that surplus power.

Chairman Jones asked if there were any questions for the applicant. Hearing none, he asked if there was anyone wishing to speak in favor of the request. Hearing none, he asked if there was anyone wishing to speak in opposition of the request. Hearing none, he closed the public hearing.

Mr. Da'Mes moved to recommend approval of the amendment to the master plan. It is innovative and progressive, and I look forward to seeing it in place.

Mr. Snell seconded the motion.

Chairman Jones said there is a motion to recommend approval and a second. He then called for a voice vote.

All votes in favor of the motion. (5-0)

Chairman Jones said this will go before City Council on April 13, 2010.

**Ordinance Amendments – Zoning Ordinance Amendments Sections 10-3-5, 16, 25, 120, 122, 123, & 139**

Chairman Jones read the request and asked staff to review.

Mr. Fletcher said staff is proposing modifications to several sections of the Zoning Ordinance for general updates and also to make revisions where word choice and other inaccuracies mislead zoning interpretations. Each modification is described below.

Section 10-3-5 of the Zoning Ordinance lists the zoning districts that Harrisonburg regulates. The existing list is shown as follows:

R-1	Single-Family Residential District.
R-2	Residential District.
R-3	Multiple Dwelling Residential District.
R-4	Planned Unit Residential District.
R-5	Planned Single-Family Residential District.
MH-1	Manufactured Home Park District.
MH-2	Manufactured Home Subdivision District.
B-1A	Local Business District.
B-1	Central Business District.
B-2	General Business District.
M-1	General Industrial District.
I-1	Institutional Overlay District.

As you can see, this list has been out of date for some time as it does not include the U-R or R-P districts, which were added in 2001, and it does not include R-5, Planned Single Family Residential District, which has not been part of the Zoning Ordinance since 1998. Staff would like to update this section to depict changes made to R-3 and to show the recently adopted districts, which include R-5, R-6, R-7, and the MX-U district. Staff recommends amending this section for the list to appear as follows:

R-1	Single-Family Residential District.
R-2	Residential District.
R-3	Multiple Dwelling Residential District.
R-3	Medium Density Residential District.
R-4	Planned Unit Residential District.
R-5	High Density Residential District.
R-6	Low Density Mixed Residential Planned Community District.
R-7	Medium Density Mixed Residential Planned Community District.
MX-U	Mixed Use Planned Community District.
MH-1	Manufactured Home Park District.
MH-2	Manufactured Home Subdivision District.
B-1A	Local Business District.
B-1	Central Business District.
B-2	General Business District.
M	General Industrial District.
I	Institutional Overlay District.
U-R	Urban Residential District.
R-P	Residential-Professional District.



Section 10-3-16 is within Article D, which explains the regulations for site plan reviews. Specifically, 10-3-16 (e) describes the length of time that approved site plans are valid. The existing regulation explains that approved site plans shall expire and become null and void unless a building permit is issued within one year. This section of the Zoning Ordinance has been superseded by the Code of Virginia for several years as the state code specifies that site plans are valid for five years. Staff recommends this section be updated to accurately display the site plan validation period. This section would be modified as shown:

(e) An approved site plan shall expire and be null and void unless a building permit for the construction of the same substantial elements of the site plan has been issued within a period of ~~one year~~ five years.

Staff would like to make two, very small yet important modifications to Section 10-3-25 (3) of the Zoning Ordinance. This part of the Code defines the requirements for landscaping within parking lots. Currently, this section reads as follows:

(3) Definition of "Landscaping for Parking Lots": All parking lots for new buildings other than industrial sites requiring more than ten (10) parking spaces shall include well-defined and well maintained landscaped areas equal to at least fifteen (15) percent of the total area to be used for parking, maneuvering and driveways on site. Parking spaces shall be separated from all right-of-way lines and property lines by a landscaped border of less than ten (10) feet in width or appropriate landscape elements such as walls or fencing except along adjoining lot lines which lie within shared parking arrangement approved by a special use permit allowing for a zero side yard setback. Landscaping interior to the parking area or within a thirty-foot perimeter of the parking area shall be permitted to count towards meeting the fifteen (15) percent requirement. It is required that hardy trees or shrubs which are regional species be planted or saved, and that all plantings and ground cover be either maintained or replaced.

The amendments would only occur within the first sentence and would include adding two commas. Currently, one reads the first sentence there is more than one interpretation that can be drawn; however, staff has always interpreted this first sentence to mandate landscaping for parking lots for all developments that require more than ten parking spaces, except those within industrial sites. For this reason, staff recommends more clearly demonstrating this regulation by placing a comma after the word "buildings" and by placing an additional comma after the word "sites."

Section 10-3-48.3 lists the uses permitted by right within the recently adopted R-3, Medium Density Residential District. Specifically, subsection (10) permits hospitals, convalescent or nursing homes, funeral homes, medical offices and professional offices as defined by article T. Unfortunately, when the R-3 Medium Density district was approved, staff overlooked the wrong article reference. Subsection (10) should reference article "F," the definitions portion of the Zoning Ordinance and not article "T," which is the Modifications and Adjustments section. Staff simply recommends changing the article reference from "T" to "F."

Section 10-3-120 is within Article U, which specifies the procedures and other regulations pertaining to amendments to the Zoning Ordinance. This section specifically grants the Planning Commission the authority to have a rehearing for properties that have been rezoned but have not initiated their plan of development within two years. Section 10-3-120 reads as follows:

Each request for amendment to this chapter, including the zoning map, shall be accompanied by a "plan of development" for the property included in the request, and shall have been reviewed by all applicable city officials before submission to the planning commission. If the application for rezoning is granted following the required public hearing procedure outline in section 10-3-105, the plan of development must be started within a period of two (2) years, and the proposed structure or structures, parking facilities, plantings and other landscaping must follow the plan of development introduced during the rezoning hearing. The planning commission will have a rehearing if the plan of development is not underway within two (2) years.

To staff's knowledge, this section of the Zoning Ordinance has never been enforced and could arguably be illegal. We further believe this type of regulation is inequitable and burdensome on the property owner. Staff recommends removing this entire regulation and to reserve this section for future use.

Section 10-3-122, found within Article U Amendments and Changes, specifies details regarding rezoning application withdrawals. The text, intentions, and requirements put forth in this section are accurate except for the section reference at the end of the paragraph. At this time, Section 10-3-122 reads as follows:

Applications for a change in zoning may be withdrawn from consideration before the first notice of a public hearing thereon has been published and fees refunded if no publication cost is incurred. Applications for change in zoning which are withdrawn after the end of the public hearing shall be considered as denied for the purpose of one-year limitation or reconsideration as provided in section 10-3-107.

The intention of this reference is to refer the matter back to the "Reconsideration of Request," segment of the Zoning Ordinance, which prior to the 1996 Zoning Ordinance overhaul, was 10-3-107. That section of the Code is now 10-3-121. Staff recommends simply updating this section by removing "10-3-107" and replacing it with the correct "10-3-121" reference.

Staff is proposing a third amendment within Article U; this modification falls within Section 10-3-123. Specifically, subsection (i) requires that proffers, approved during a rezoning, be recorded at the office of the clerk of the Circuit Court within 30 days after approval by City Council. Section 10-3-123 (i) reads as follows:

(i) *Recordation of proffered conditions.* A certified copy of all ordinances accepting proffered conditions, together with a duly signed copy of the proffer statement, shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the clerk of the Circuit Court within thirty (30) days of council approval.

Subsection (i) was added in 2001 when staff recommended adding this requirement to the Zoning Ordinance contending that such requirement would help future property owners understand and acknowledge the zoning on their property. Although the intentions of this code were advantageous, the enforcement of this section was inconsistent and never became common practice. Staff believes this requirement is unnecessary and excessive. Staff recommends removing this subsection and requirement from the Zoning Ordinance.

Chairman Jones asked if there were any questions for staff.

Mr. Da'Mes said if an investor is looking to purchase a property, how would they know if property had proffers on it?

Mr. Fletcher said there are two ways you could identify that there are proffers. First, if you are looking up the property in the real estate division, they would accurately reflect on the card what the current zoning is. If it has a "C" on it, obviously that means it has proffers. Then you could also do your investigating at Community Development; we have the proffers in file within that department.

Mr. Da'Mes said this is not recorded. You would have to come to the City to obtain this information.

Mr. Fletcher replied none of the zoning districts are recorded in a deeded format.

Mr. Baugh said within legal practice there has always been a fairly clear distinction between a title issue and a zoning issue. To a "lay person" you may think that stuff goes together; but it really does not. In fact, at any real estate closing of any title you have had done, among the fine print is a representation by the attorneys that no representation is made as to matters of zoning. Zoning is an area where people are typically on their own to investigate.

Mr. Chenault said if you require this of conditional zoning it should be required of all zoning classifications. The first place developers are going to go is to Community Development to check out zoning.

Mr. Da'Mes asked how do you hold a new buyer accountable when they purchase property.

Mr. Baugh said there is really no way to know without doing some homework for yourself. That is a lot of what our City staff does on a day-to-day basis, and that is what they handle inquiries about things like this.

Mr. Da'Mes said he has another question regarding Section 10-3-25 and the landscaping of parking lots. The ordinance reads "parking spaces shall include well defined, well maintained landscaping areas equal to at least fifteen percent of the total area to be used for parking." I do not see that with the new box retailers, unless you are including buffer areas or surrounding areas. This ordinance says fifteen percent within the parking area and it does not appear it is being applied.

Mrs. Banks replied that it does not read fifteen percent within the parking area itself, keep reading the requirement and it further explains. It does not have to be interior to the parking lot; you are allowed to count the three foot perimeter around the parking lot towards meeting the fifteen percent requirement. Fifteen percent is very, very small. It is verified on all site plans.

Mr. Fletcher said there have been a few times staff has discussed updating this; but, there has not been any support for it.

Mr. Da'Mes said he would like to see a certain percentage of the asphalt area having to be landscaped and maintained.

Mr. Fletcher said there is an ordinance we have worked on that needs some tweaking; but, it could be brought before Planning Commission if you are interested.

Mr. Smith said he recalls being a member of the landscape committee when he first became a planning commissioner.

Mrs. Turner said I think you are referring to the committee that ended up being the park committee. That was a landscaping ordinance committee which decided it did not want to change the landscaping ordinance, so they decided to focus on putting some green space into a park.

Mr. Baugh said this commission made a decision to complete certain sections of the zoning ordinance and then make the Comprehensive Plan a priority. We recognized that landscaping was something that needed to be looked at, but there were other issues ahead of it.

Mr. Snell asked how do we want to handle these proposed ordinance amendments.

Chairman Jones said first we need to hold a public hearing on the amendments. He then opened the public hearing and asked if there was anyone wishing to speak in favor of the request. Hearing none, he asked if there was anyone wishing to speak against the amendments. Hearing none, he closed the public hearing and asked for comments.

Mr. Snell moved to recommend approval of all seven of the proposed amendments.

Mr. Baugh seconded the motion.

Chairman Jones said there is a motion to recommend approval and second. He then called for a voice vote.

All voted in favor of the motion. (5-0)

#### **Unfinished Business**

None.

#### **Public Input**

None.

#### **Report of secretaries and committees**

Mrs. Banks said City Zoning inspectors visited the Jefferson Street neighborhood recently and cited 35 violations consisting of inoperable vehicles and discarded materials. Next, they plan to visit the Forest Hills MU section of the City.

Mr. Da'Mes said in terms of my recent trip to Davis, CA as part of the Bike Committee, I will be presenting a visual presentation at our next meeting to give you an idea of our trip. Our trip was a very worthwhile endeavor. The people in the area were very receptive to us and really wanted to show what they have in the way of biking. We were fortunate to have a person join us on the trip who does videography for Discovery Channel and at no charge we were videoed throughout our trip. This video has been edited into a ten to fifteen minute documentary which can be seen in its entirety on May 4<sup>th</sup>.

Mr. Baugh said the City Council unanimously approved everything that Planning Commission had sent them from last month; a rezoning at 116 Reservoir Street and a rezoning and special use permits for 715 North Main Street. As well, we took up the matter of amending the definition of building and structure, which was also approved.

#### **Other matters**

Mr. Fletcher said we have made progress for the Comprehensive Plan review. Stacy, Alison, and I met with Kai (Degner) to figure out how we want to proceed using the ideas that Planning Commission suggested last month. Kai really wanted to incorporate some of his dialogue and

discussion summit type ideas, which we are going to utilize. We are not going to do the open house forum that he uses, but rather the world café design. We have a tag line, which I hope you like. It was offered by the Mayor and we all agree it is pretty good, the tag line is: Harrison is Listening. The location for all four of the input meetings is the Lucy F. Simms Center. The meetings are alternating on Thursday and Wednesday evenings, as this will miss our regular Wednesday Planning Commission Meeting in May. The input discussions are set-up to take place between 7-9 p.m.

Mr. Snell said from my recollection of these meetings last time, it didn't really justify that length of time. Perhaps we should just give a start time.

Mr. Fletcher said let me explain the world café concept. The plan is to have a different topic or theme each meeting. We will have an introduction session between 7-7:30; this will either be a short presentation by staff or some individual reading of the goals and strategies associated with the chapters being discussed. The next half hour will be a vision session where you would talk about and discuss ideas within your individual group. The next session after discussion within individual groups, is to read over the goals and objectives of the concurrent chapters and review the ideas that the group has. Finally, it is wrapped-up with the reporting session. This is where all of the individual groups report back to the main group or person who is facilitating the entire event. All of this is information collected and given to staff to pull together and pick out any new ideas that need to be reflected in the Comprehensive Plan. All four nights will follow this same procedure. Once staff has reviewed everything and added chapters, sections, goals, objectives whatever is necessary, we will then present something more concrete back to you for review. Only after that will we go into the official public hearings. We anticipate that to be sometime in the fall. This is a preliminary time line and we need to know if you like what you are hearing.

We are also working with the public information officer about the advertising and campaign ideas to get the word out to the public. I have all the different ideas we are going to put forth and the timeline when these will be released. We plan to promote this through PSA's, press releases, an interview with Bob Corso, radio advertisements, Community Manager's radio program, flyers, and so forth.

Mr. Da'Mes said Martha Goodruft with the Chamber of Commerce would like to promote it.

Mr. Fletcher replied that she is on the list with the public information officer to be contacted. At this time you can start verbally talking to people about this and beginning to get the information out.

Mr. Chenault asked when you get into the consideration of the map, specifically the land use map.

Mr. Fletcher said the maps will be on hand the night of the land use and transportation topic; that is why we have the two topics together.

Mr. Chenault said although we have not reviewed them or done anything with them. Are they just the existing maps?

Mr. Turner said that after these input meetings have happened, during the summer sometime, the Planning Commission will be working on these maps during work sessions for however long it may take. Staff has worked on updating the existing land use map and that will be a tool available for you to use. You will also have comments that people have made about whether or not they like where different type uses are located in the City or if they are thinking that a different type of use is

needed in the City. You can use these comments and any that you may have yourself to be working on the maps.

Mr. Fletcher said we also have a transportation map that staff has made recommendations on and is already illustrating ideas of where new roads may be planned.

Mrs. Turner said you will use all of these things to work on the land use guide.

Chairman Jones asked if there was any further discussion on this matter. Hearing none, he adjourned the meeting.

**Adjournment**

The meeting was adjourned at 8:55 p.m.



April 8, 2010

Mr. Kurt Hodgen  
City Municipal Building  
345 S. Main St.  
Harrisonburg, VA 22801

Reference: Rezoning Request for 2868 S Main St. -- Continuance

Dear Mr. Hodgen,

This letter is to serve as notice of the applicant's request to be issued a continuance for the referenced rezoning request until May 12, 2010 (the next Planning Commission public hearing). This request is being made in light of the recent discussions that have taken place between the applicant and City staff regarding the matter of Boxwood Court access onto South Main Street. I am submitting this request on behalf of my client, Babcock, LLC (the applicant).

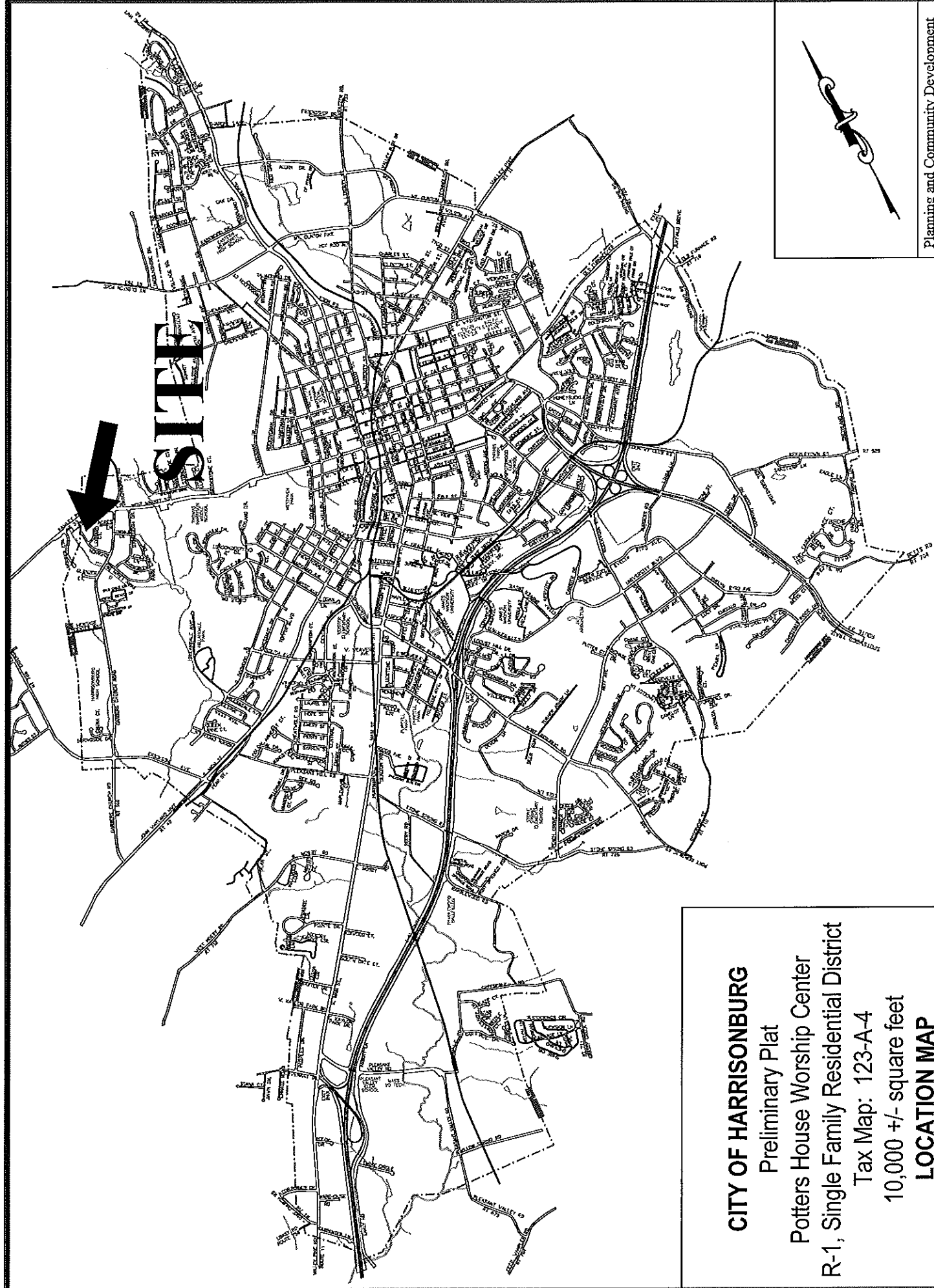
If you should have any questions regarding the content of this letter or any other matters concerning the referenced rezoning request and continuance, please do not hesitate to contact me at your convenience.

Sincerely,  
Valley Engineering • Surveying • Planning

A handwritten signature in black ink, appearing to read "Seth Roderick", is written over the typed name.

Seth Roderick, PE  
Director of Planning & Transportation

cc: Bob Babcock, Babcock LLC



**CITY OF HARRISONBURG**

Preliminary Plat

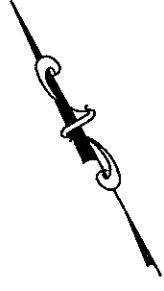
Potters House Worship Center

R-1, Single Family Residential District

Tax Map: 123-A-4

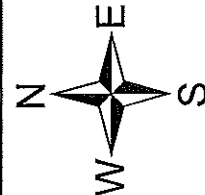
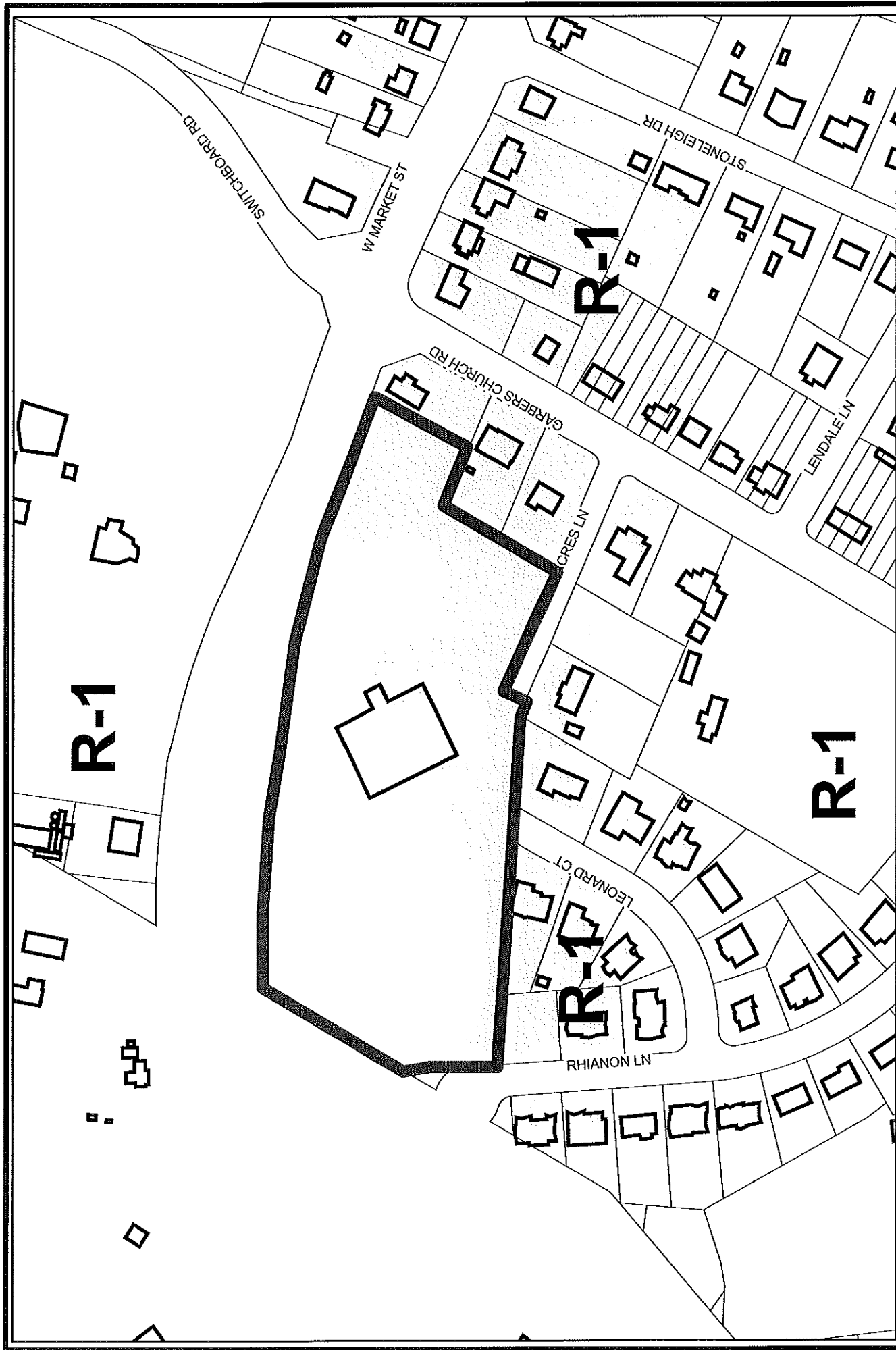
10,000 +/- square feet

**LOCATION MAP**



Planning and Community Development  
City of Harrisonburg, Virginia





# Potters House Worship Center

## Preliminary Plat 2010



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

April 14, 2010

### PRELIMINARY PLAT – POTTERS HOUSE WORSHIP CENTER 2010

#### GENERAL INFORMATION

**Applicant:** Daniel A. Garber & Others, Trustees – Potters House Worship Center  
**Tax Map:** 123-A-4  
**Acreage:** 7.57-acres +/-  
**Location:** 1911 West Market Street  
**Request:** Consider a request to preliminarily subdivide a 10,000 sq. ft. parcel from a 7.57-acre lot with variance requests from the Subdivision Ordinance Sections 10-2-66 and 10-2-67.

#### LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Low-Density Residential. This designation states that these areas consist of single-family detached dwellings with a maximum density of 1 to 4 units per acre. Low-density sections are found mainly in well-established neighborhoods and are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership.

The following land uses are located on and adjacent to the property:

**Site:** Potters House Worship Center, zoned R-1  
**North:** Across West Market Street, a non-conforming agricultural use and a non-conforming business use, zoned R-1  
**East:** Single-family dwellings, zoned R-1  
**South:** Single-family dwellings, zoned R-1  
**West:** Single-family dwellings, zoned R-1

#### EVALUATION

The applicants are requesting to preliminarily subdivide a 10,000 square foot parcel from a 7.57-acre +/- tract of land where Potters House Worship Center is located. Additionally, the applicants are requesting a variance from the Subdivision Ordinance per Section 10-2-66 and 10-2-67 to not construct sidewalk along the street frontage of the developing parcel. At present, the Potters House Worship Center acreage has street frontage along West Market Street, Sunny Acres Lane, Leonard Court, and Rhianon Lane. The proposed lot would front directly on, as well as be accessed from, Rhianon Lane. The new lot would be situated within the R-1, Single-family Residential District subdivision of Hampshire Estates and would meet all the area and dimensional regulations for a single-family lot in R-1.

Section 10-2-66 of the Subdivision Ordinance states street improvements shall be provided with each new subdivision in accordance with standards and specifications of the City, and Section 10-2-67

requires the street improvements to be installed by the applicant at their expense. Therefore, once subdivided and developed the proposed new lot would be required to have sidewalk along its frontage with Rhianon Lane. The applicants are requesting a variance to these sections based on the fact that the street frontage for the new lot is approximately 45 feet. Once an entrance and driveway are installed to the property, the actual frontage for sidewalk would be reduced to as little as 17 feet. As well, the existing sidewalk within Hampshire Estates Subdivision is along the opposite side of Rhiannon Lane. For these reasons staff is not opposed to the requested variances.

This preliminary plat was originally submitted in 2006, but because of issues with the extension of a sanitary sewer line to the proposed lot, the subdivision never occurred. The applicants and their engineer have worked closely with the Public Utilities Department to resolve the issues and have submitted a valid option to provide sewer to the new parcel. Staff recommends approval of the preliminary plat with the requested variances.

Date Application Received: 02-17-10

Total Paid: 170.<sup>00</sup> AF

## Application for Preliminary Subdivision Plat Approval

City of Harrisonburg, Virginia

Fee: w/o Variance Request \$150.00 plus \$10.00 per lot  
Variance Request \$175.00 plus \$10.00 per lot Plus fees for TIA reviews where applicable (see back for details)

I, Jerry L. Brunk, hereby apply for preliminary subdivision plat approval for the following property located within the City of Harrisonburg:

### Description of Property

Title of Subdivision: LOT 1, Potters House Worship Center  
Location (Street Address): 1911 Market Street Sheet: 123 Block: A Lot: 4  
Total Acreage: 10,000 sf Number of Lots Proposed: 1 Zoning Classification: R-1

Proposed Use of Property: Residential

Property Owner's Name: Daniel A. Garber & others, Trustees  
Street Address: 1911 Market St Email: \_\_\_\_\_  
City: Harrisonburg State: VA Zip: 22801  
Telephone: Work 801-0519 Fax \_\_\_\_\_ Mobile 830-0158

Owner's Representative (if applicable): Brunk & Hylton Engineering, Jerry L. Brunk  
Street Address: P.O. Box 7 Email: \_\_\_\_\_  
City: Weyers Cave State: VA Zip: 24486  
Telephone: Work 234-9112 Fax 234-0417 Mobile \_\_\_\_\_

Developer: Owner  
Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Surveyor/Engineer: Brunk & Hylton Engineering, Jerry L. Brunk  
Telephone: 234-9112 Email: JLB7705@gmail.com

### VARIANCES

NOTE: If a variance is requested, please provide the following information:

I (we) hereby apply for a variance from Section \_\_\_\_\_ of the City of Harrisonburg  
Subdivision Ordinance and/or Section \_\_\_\_\_ of the City of Harrisonburg Design and  
Construction Standards Manual, which require(s): NA

I (we) believe a variance should be granted based on the following "unnecessary hardship" which is peculiar to the property in question (See Section 10-2-2 of the Subdivision Ordinance):

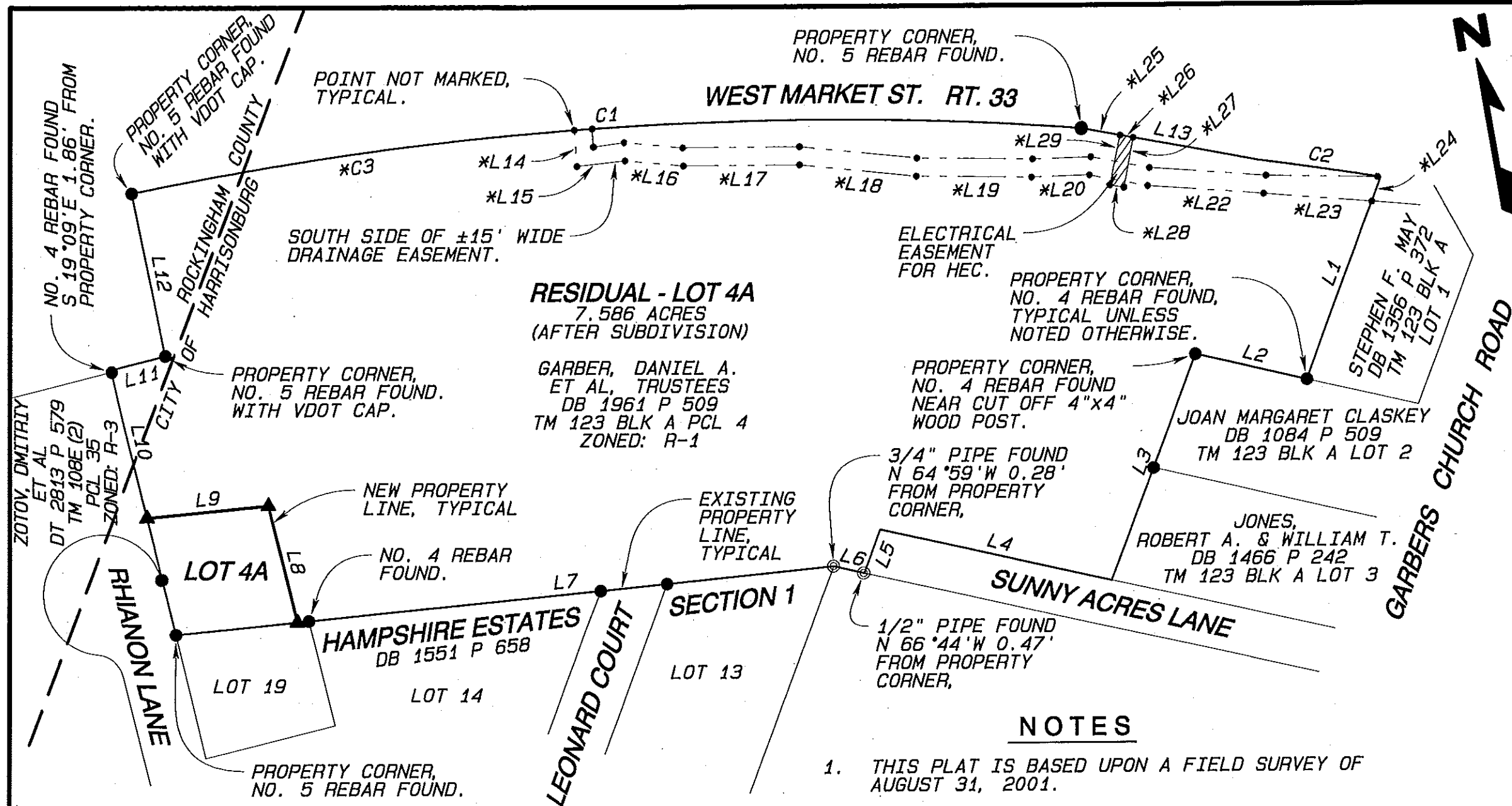
NA

The City of Harrisonburg's preliminary plat and subdivision requirements are in the code of the City of Harrisonburg, Subdivision Ordinance, Sections 10-2-1 through 10-2-86. Please read these requirements carefully.

Certification: I have read the ordinance requirements. I also certify that the information contained herein is true and accurate.

Signature: \_\_\_\_\_ Signature: Jerry L. Brunk  
Property Owner Applicant, if different from owner

See Back for Additional Application Fees Regarding TIA Reviews NA



EXTERNAL  
BOUNDARY

LINE	BEARING	DISTANCE
L1	S30°15'49"W	177.14'
L2	N67°02'11"W	95.78'
L3	S30°24'49"W	199.25'
L4	N67°28'11"W	198.34'
L5	S30°13'49"W	38.42'
L6	N66°43'49"W	25.77'
L7	N85°51'59"W	448.55'
L8	N04°00'59"W	100.00'
L9	N85°51'59"W	101.02'
L10	N04°00'59"W	126.23'
L11	N85°36'51"E	47.14'
L12	N01°48'34"W	137.00'
L13	S69°29'54"E	147.90'

EASEMENTS

LINE	BEARING	DISTANCE
*L14	S05°43'41"W	30.00'
*L15	S86°43'35"E	40.02'
*L16	S74°46'21"E	49.20'
*L17	S80°16'26"E	97.26'
*L18	S74°09'15"E	97.46'
*L19	S79°13'27"E	96.99'
*L20	S81°49'57"E	48.80'
*L21	S69°04'16"E	48.80'
*L22	S75°48'41"E	97.15'
*L23	S75°18'53"E	89.86'
*L24	N30°15'49"E	21.45'
*L25	S69°29'54"E	32.58'
*L26	S69°29'54"E	10.87'
*L27	S20°32'16"W	41.86'
*L28	N70°03'26"W	11.67'
*L29	N21°38'12"E	41.98'

NOTES

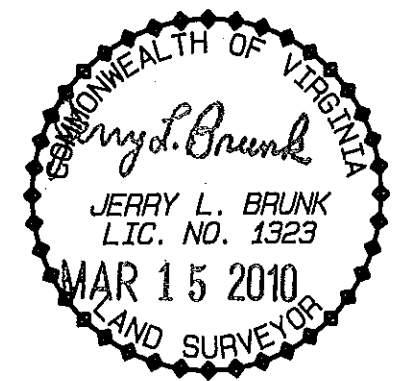
1. THIS PLAT IS BASED UPON A FIELD SURVEY OF AUGUST 31, 2001.
2. THIS PROPERTY IS NOT LOCATED IN A FEMA FLOOD HAZARD ZONE.

EXTERNAL BOUNDARY

CURVE	DELTA	RADIUS	ARC LEN	TANGENT	CHORD	CH BEARING
C1	16°09'32"	2821.79'	795.82'	400.57'	793.19'	S83°43'48"E
C2	2°07'31"	2809.79'	104.22'	52.12'	104.22'	S71°35'16"E

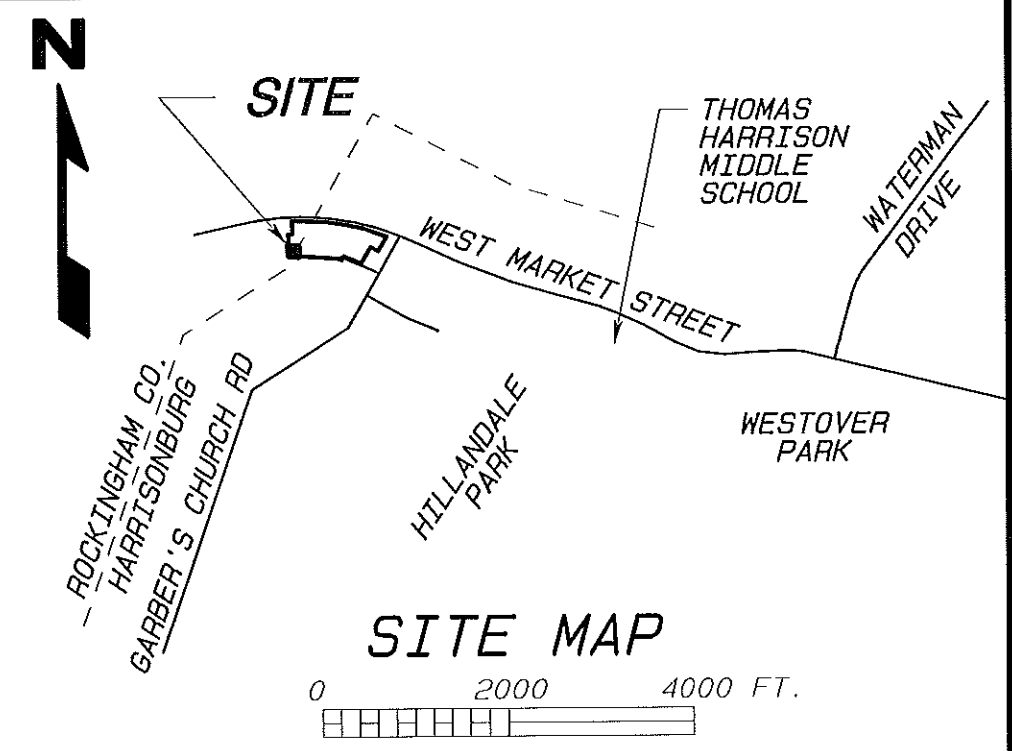
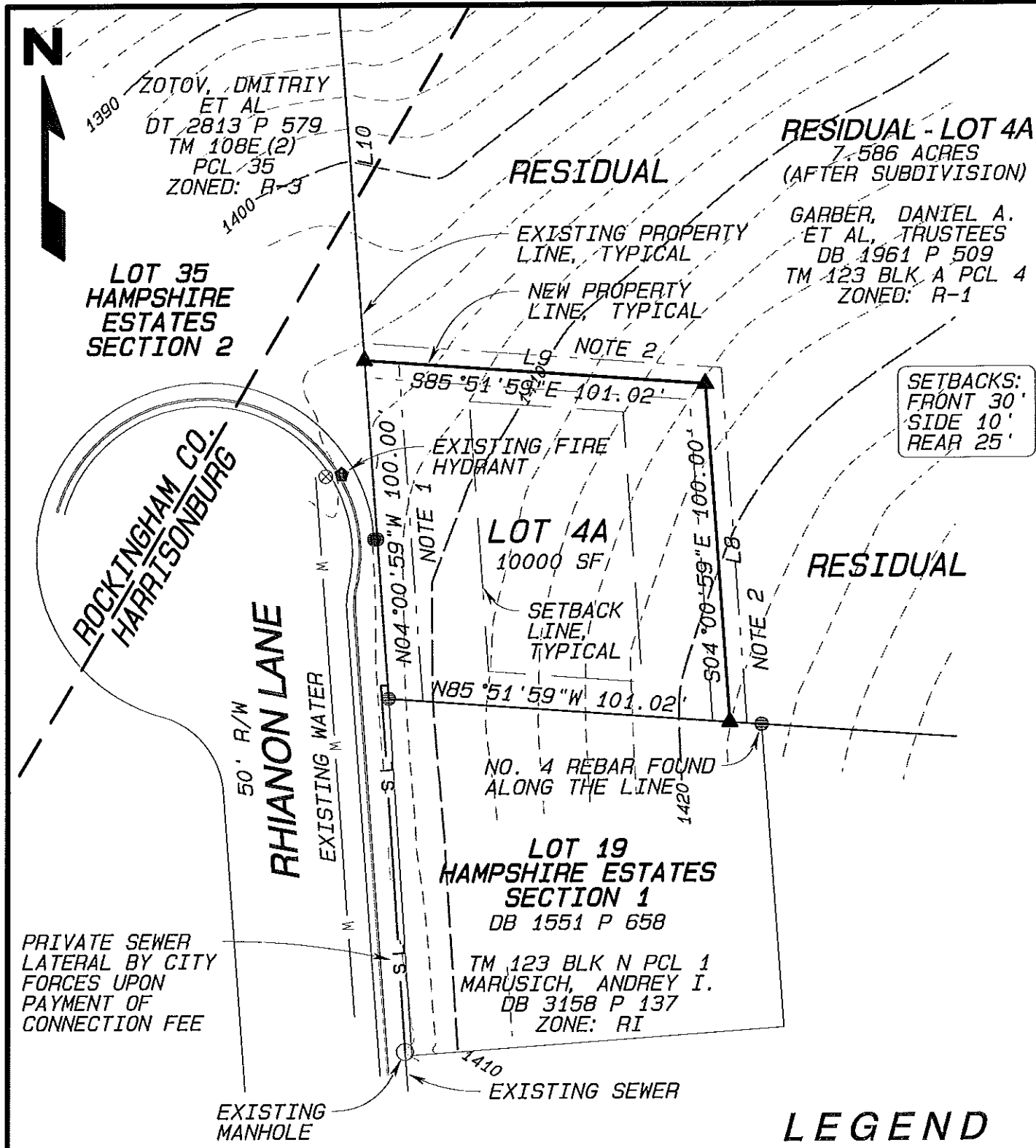
EASEMENTS

CURVE	DELTA	RADIUS	ARC LEN	TANGENT	CHORD	CH BEARING
*C3	7°32'15"	2821.79'	371.22'	185.88'	370.96'	S88°02'27"E



PRELIMINARY SUBDIVISION PLAT  
LOT 4A  
POTTERS HOUSE WORSHIP CENTER  
HARRISONBURG, VA.

BRUNK & HYLTON ENGINEERING, INC. ENGINEERING SURVEYING PLANNING P. O. BOX 7 WEYERS CAVE, VIRGINIA 24486 540 234-9112			DSN: JLB	DWG: JLB	FILE: 01098.pro	PROJ: 02075.3
DATE: MAR. 15, 2010			SCALE: 0 100 200 FT.			SHEET 1 OF 3
REV	DATE	DESCRIPTION				



### NOTES

1. NEW 10' WIDE UTILITY EASEMENT IS HEREBY DEDICATED FOR PUBLIC USE ALONG THE FRONT PROPERTY LINE.
2. NEW 10' WIDE UTILITY EASEMENT IS HEREBY DEDICATED FOR PUBLIC USE CENTERED ON NEW PROPERTY LINES, L8 AND L9.



**PRELIMINARY SUBDIVISION PLAT  
LOT 4A  
POTTERS HOUSE WORSHIP CENTER  
HARRISONBURG, VA.**

			BRUNK & HYLTON ENGINEERING, INC. ENGINEERING SURVEYING PLANNING P. O. BOX 7 WEYERS CAVE, VIRGINIA 24486 540 234-9112	DSN: JLB	DWG: JLB	FILE: 01098.pro	PROJ: 02075.3	
1	04-05-10	ADD UTILITY EASEMENTS		DATE: MAR. 15, 2010	SCALE: 0 40 80 FT. <div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div>			SHEET 2 OF 3
REV	DATE	DESCRIPTION						

OWNERS' CONSENT & DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, CONTAINING 10,000 SF, AND DESIGNATED AS LOT 4A, POTTERS HOUSE WORSHIP CENTER PROPERTY, SITUATED IN THE CITY OF HARRISONBURG, VIRGINIA, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER. THE SAID LOT 4A HEREBY BEING SUBDIVIDED BEING A PORTION OF LAND CONVEYED TO POTTERS HOUSE WORSHIP CENTER, BY DEED DATED AUGUST 30, 2001, AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA, IN DEED BOOK 1961, PAGE 509.

GIVEN UNDER MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

POTTERS HOUSE WORSHIP CENTER

BY: \_\_\_\_\_  
DANIEL A. GARBER, TRUSTEE

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF \_\_\_\_\_, TO WIT:

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010, ON BEHALF OF POTTERS HOUSE WORSHIP CENTER

MY COMMISSION EXPIRES \_\_\_\_\_  
NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE PLANNING COMMISSION AND ORDINANCES OF THE CITY OF HARRISONBURG, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE CITY HAVE BEEN COMPLIED WITH.

GIVEN UNDER MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

JERRY L. BRUNK, P.E., L.S.  
VA. NO. 1323

CERTIFICATE OF APPROVAL

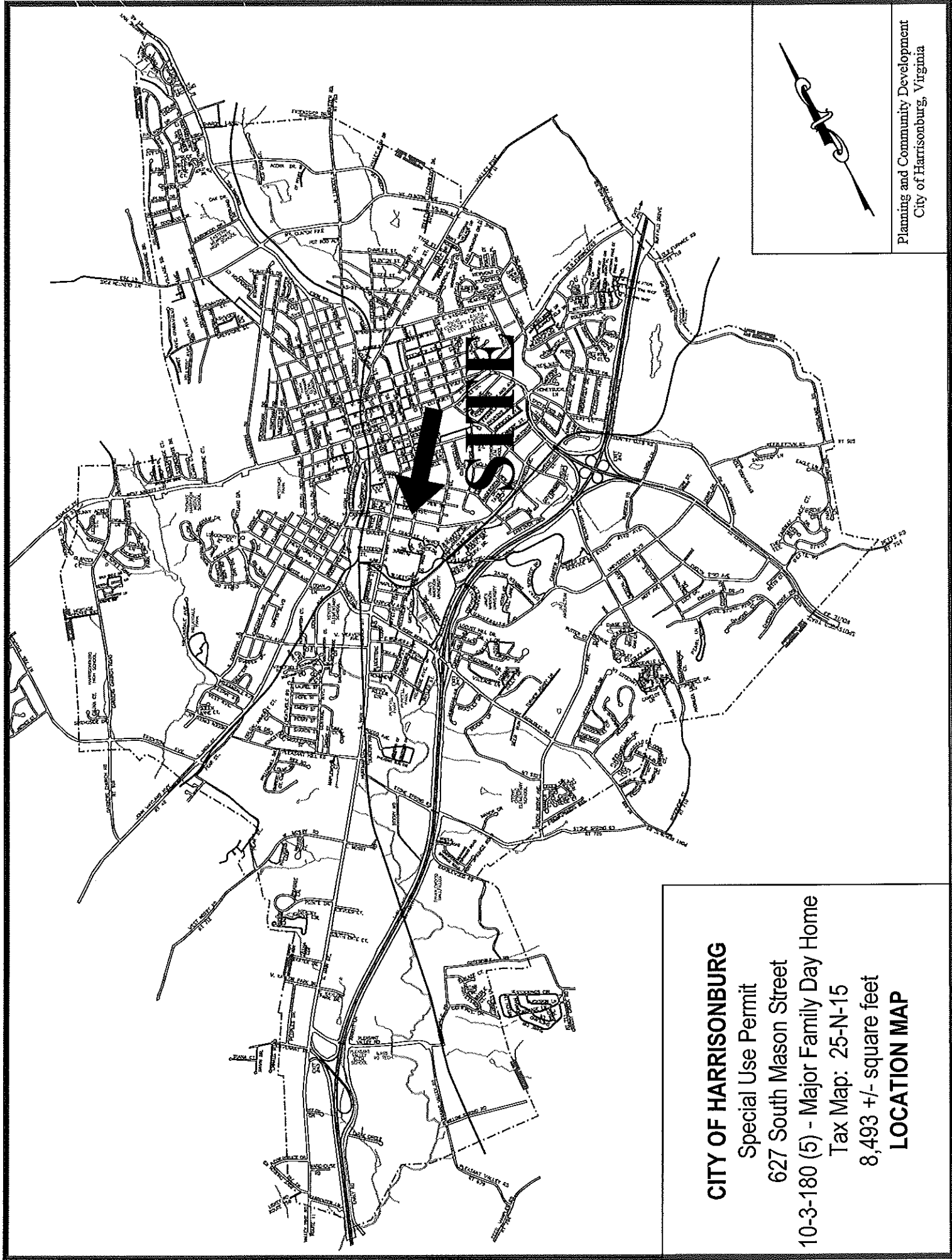
THIS SUBDIVISION KNOWN AS LOT 4A, POTTERS HOUSE WORSHIP CENTER PROPERTY, SHOWN AS A PORTION OF CITY TAX MAP 123, BLOCK A, LOT 4, IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS CODE AND MAY BE ADMITTED TO RECORD.

\_\_\_\_\_  
DIRECTOR OF COMMUNITY DEVELOPMENT      DATE



PRELIMINARY SUBDIVISION PLAT  
LOT 4A  
POTTERS HOUSE WORSHIP CENTER  
HARRISONBURG, VA.

			BRUNK & HYLTON ENGINEERING, INC. ENGINEERING SURVEYING PLANNING P. O. BOX 7 WEYERS CAVE, VIRGINIA 24486 540 234-9112	DSN: JLB	DWG: JLB	FILE: 01098.pro	PROJ: 02075.3
REV	DATE	DESCRIPTION		DATE: MAR. 15, 2010	SCALE:		SHEET 3 OF 3



**CITY OF HARRISONBURG**

Special Use Permit

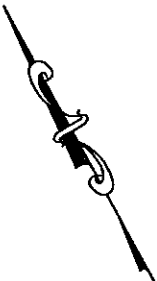
627 South Mason Street

10-3-180 (5) - Major Family Day Home

Tax Map: 25-N-15

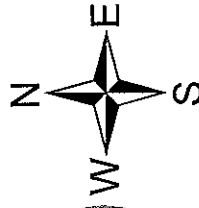
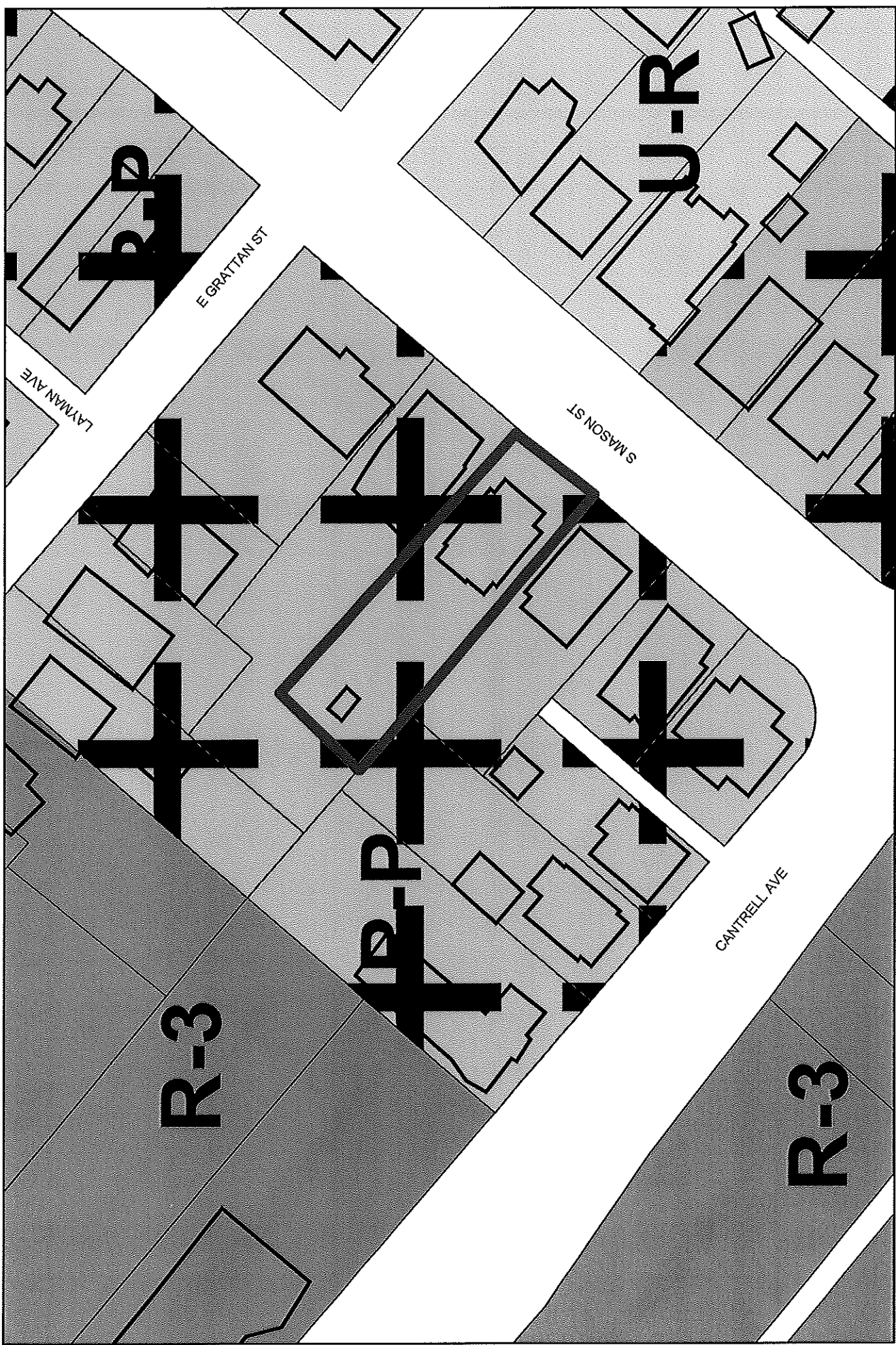
8,493 +/- square feet

**LOCATION MAP**



Planning and Community Development  
City of Harrisonburg, Virginia





## 627 South Mason Street

SUP - Major Family Day Home - Section 10-3-180 (5)



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT  
April 14, 2010

## SPECIAL USE PERMIT – 627 SOUTH MASON STREET (MAJOR FAMILY DAY HOME)

### GENERAL INFORMATION

**Applicant:** Richard Chew with representative Tara Koontz  
**Tax Map:** 25-N-15  
**Acreage:** 8493 square feet  
**Location:** 627 South Mason Street  
**Request:** Public hearing to consider a request for a special use permit per Section 10-3-180 (5) of the Zoning Ordinance to allow a Major Family Day Home (MFDH) within the U-R, Urban Residential District and the R-P, Residential Professional Overlay District.

### LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Neighborhood Residential. This designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods, which can be characterized by large housing units on small lots.

The following land uses are located on and adjacent to the property:

**Site:** Single-family dwelling and minor family day home operation, zoned U-R/R-P  
**North:** Dwellings, zoned U-R/R-P  
**East:** Across South Mason Street, dwellings, zoned U-R  
**South:** Dwellings, zoned U-R/-P  
**West:** Dwellings, zoned U-R/R-P

### EVALUATION

A “Major family day home” is defined as: *A child day care program offered in the residence of the provider or the home of any of the children in care for six (6) through twelve (12) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation.* The applicant is requesting a special use permit per Section 10-3-180 (5) of the Zoning Ordinance to allow a “major family day home” within the U-R, Urban Residential District and the R-P, Residential Professional Overlay District. The site of the request, 627 South Mason Street, is located along the western side of South Mason Street between its intersections with Cantrell Avenue and East Grattan Street.

Currently, Koontz Family Day Home, a “minor family day home”, is operating from the single-family dwelling located on the property. The “minor family day home” use is allowed through the home occupation permit process and is defined in the Zoning Ordinance as *a child day care program offered*

*in the residence of the provider or the home of any of the children in care for one (1) through five (5) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation. No conditions more restrictive than those imposed on residences occupied by a single-family shall be imposed on the day home.* Along with having a home occupation permit, the Koontz Family Day Home is also licensed by the Virginia Department of Social Services (VDSS) for a capacity of up to five children, between the ages of 1 month to 5 years, 11 months. At present, three children are cared for at the “minor family day home”, which operates from 6:30 a.m. to 5:30 p.m. The applicant has stated that she desires to keep more than five children and needs the special use permit, before VDSS would license her for more.

The VDSS has strict requirements regarding issues such as safety, cleanliness, play time, and floor area, that individuals must meet in order to obtain a license to provide child care in a home. Approval and licensing from the VDSS does not, however, exempt an applicant from maintaining compliance with local ordinances or laws. Approval of this special use permit would allow for the applicant to operate as a “major family day home”, with the proper licensing from the VDSS for more than five children.

The property is situated within a blue zone permit parking area; therefore, parking permits are necessary at all times. Additionally, the portion of South Mason Street directly in front of the home is a right turn lane for traffic turning onto Cantrell Avenue and is marked for “no parking.” The applicants have a shared driveway which parents currently utilize to drop-off and pick-up children. The driveway is large enough to maneuver two vehicles in, as well as turn-around at the back of the home if necessary. Also, a visitor parking pass could be made use of to allow a parent to park along the street.

Staff has no concerns with the operation of a Major Family Day Home at this location and recommends approval of the special use permit request for 627 South Mason Street.

To Whom It May Concern:

I would like to be considered for a special use permit. I will need the permit so I can have more than five children in my home daycare. My landlord has agreed to this. My hours run from 6:30a.m. to 5:30p.m. I currently have three children in my care between the ages of nine months and two years old. I accept ages six weeks through 5 years old. I am listed as a provider through child care connection. I am also licensed by the state of Virginia. I have had two unannounced inspections from the licensing office that resulted in no violations. The house is also up to safety regulations according to the state. I chose this profession because I love children and enjoy the one on one time I get with them. I would be very appreciative if I am approved for this permit.

Thank You,

Tara Koontz

Date Application Received: 03-08-10

Application for Special Use Permit  
City of Harrisonburg, Virginia

Fee: \$325.00

Total Paid: \$ 325.00 ✓

Property Owner's Name: Richard Chew  
Street Address: 46 Cantrell Ave. Email:  
City: Harrisonburg State: VA Zip: 22801  
Telephone: Work Fax Mobile 246-8638

Owner's Representative: Tara Kcontz  
Street Address: 627 S. Mason St. Email: smlyang17@aol.com  
City: Harrisonburg State: VA Zip: 22801  
Telephone: Work N/A Fax N/A Mobile 540-578-3499

Description of Property and Request

Location (Street Address): 627 S. Mason St.  
Tax Map Number Sheet: 25 Block: N Lot: 15 Lot Area: 8493 ft  
Existing Zoning Classification: U-R / R-P  
Special Use being requested: 10-3-180(5) Major Family Day Home

Please provide a detailed description of the proposed (use additional pages may be attached):  
attached

Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North:  
South:  
East:  
West:

Certification: I certify that the information contained herein is true and accurate.

Signature: Richard L. Chew  
Property Owner

ITEMS REQUIRED FOR SUBMISSION

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Completed Application       | <input checked="" type="checkbox"/> Fees Paid                   |
| <input checked="" type="checkbox"/> Site Plan                   | <input checked="" type="checkbox"/> Property Located on Tax Map |
| <input checked="" type="checkbox"/> Description of Proposed Use |   |
| <input type="checkbox"/> Adjacent Property Owners               |   |

# Commonwealth of Virginia



## DEPARTMENT OF SOCIAL SERVICES

### FAMILY DAY HOME CONDITIONAL LICENSE

Issued to                     KOONTZ FAMILY DAY HOME                     (Operated by Tara Koontz)

Address                     627 S. Mason Street, Harrisonburg, Virginia 22801                    

This conditional license is issued in accordance with provisions of Chapters 1, 17 and 18, Title 63.2, Code of Virginia as amended, the established rules and regulations of the State Board of Social Services and the specific limitations prescribed by the Commissioner of Social Services as follows:

Capacity Five (5)		The appropriate ratio of adults and children must be maintained at all times when children are in care.  This license does not exempt licensee from maintaining compliance with local ordinances and laws.
Sex M/F	Age 6 Weeks Through 5 Years	

- ☒ This conditional license is issued to allow time for the licensee to demonstrate compliance with sections of the standards which could not be determined because the facility is not yet fully operational.
- ☐ This conditional license is issued because the licensee is temporarily unable to comply with the following section(s) of standards:

This license is not transferable and will be in effect from October 2, 2009 through April 1, 2010 unless revoked for violations of the provisions of law or failure to comply with the limitations stated above.

ISSUING OFFICE:  
Virginia Department of Social Services  
Division of Licensing Programs - Valley Licensing Office  
57 Beam Lane, Suite 303  
Fishersville, VA 22939  
Telephone: (540) 332-9163  
VLO-09-226

By  **ANTHONY CONYERS, JR.**  
COMMISSIONER OF SOCIAL SERVICES

Title Christopher H. Fracher  
**LICENSING ADMINISTRATOR**

Date October 6, 2009

LICENSE NUMBER 1107882 - L702

Virginia.gov

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Ms. Tara Koontz

627 S. Mason Street

HARRISONBURG, VA 22801

(540) 578-3499

Facility Type: Family Day Home

License Type: One Year

Expiration Date: April 1, 2011

Business Hours: 6:30 a.m. - 5:30 p.m.  
Monday - Friday

Capacity: 5

Ages: 1 month - 5 years 11 months

Inspector: Carol Troxell  
(540) 332-9163

Inspection Date	Complaint Related?	Violations?
March 24, 2010	No	No
Nov. 20, 2009	No	No
Oct. 1, 2009	No	No

Disclaimer:

A compliance history is in no way a rating for a facility.

The online compliance history includes only information after July 1, 2003. In addition, the online compliance history includes information regarding adverse actions that may be the subject of a pending appeal. An adverse action is not final until a provider has exhausted or waived all due process

http://www.dss.virginia.gov/facility/search/licensed.cgi?rm=Details;ID=36487;search\_conta... 4/7/2010



# City of Harrisonburg, Virginia

DEPARTMENT OF COMMUNITY DEVELOPMENT

409 South Main Street  
Harrisonburg, Virginia 22801  
(703) 434-7451  
FAX (703) 434-0634

City Engineer  
Erosion Control Administrator  
Public Works Inspector

## HOME OCCUPATION REGULATIONS

Planning Director  
Zoning Administrator  
Building Inspection

HOME OCCUPATION: Any occupation or activity which is clearly incidental to the use of the premises for dwelling purposes and which is carried wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising on the premises, and no other display or storage variation from the residential character of the premises, and in connection with which no person outside the family is employed and no equipment which is deemed to be in conflict with the intent of this definition. A home occupation shall not include beauty parlors, barber shops, or doctors' or dentists' offices for the treatment of patients.

(EFFECTIVE 9/8/87)

NO MORE THAN 5 CHILDREN.

### APPLICATION

NAME: Tara Koonitz TELEPHONE NO: (540) 578-3499

NAME OF BUSINESS: \_\_\_\_\_

ADDRESS: ~~2354 Breckenridge Ct~~ 627 S. Mason St.

NATURE OF BUSINESS: Daycare

I hereby certify that the occupation to be conducted in my home shall comply with the regulations as outlined above and understand that if it becomes an overburden to the neighborhood, ie: excessive traffic, noise, etc., my application may be subject to a complete re-evaluation.

DATE: 4/21/09 APPLICANT: Tara Koonitz  
Signature

ZONING DISTRICT: UR/RP; APPROVED: X; DISAPPROVED: \_\_\_\_\_;

SHEET: 8025 BLOCK: N LOT: 3515

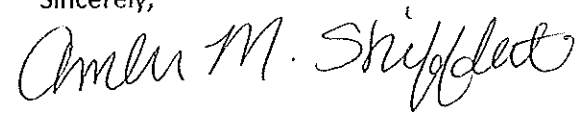
DATE: 4/21/09 AGENT: RE Ray  
ZONING ADMINISTRATOR-  
INSPECTOR



To Whom it may concern,

I would fully recommend Tara to anyone i meet. She is very loving and caring towards the children and a wonderful caregiver. Tara has a wonderful space for the children to learn and play, and is very neat and safe. My child has been with Tara for a little over 6 months now and he comes home talking more and more everyday with new words he learns. He loves going to see Ms. Tara everyday and gets so excited. I would totally support Tara having more children in her care, she's created a loving and safe enviroentment for the children.

Sincerely,

A handwritten signature in black ink that reads "Amber M. Shifflett". The signature is written in a cursive, flowing style.

Amber M. Shifflett

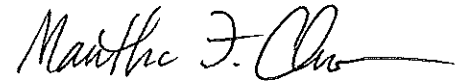
Martha F. Chew  
46 Cantrell Ave  
Harrisonburg, VA 22801  
March 7, 2010

City of Harrisonburg  
City Council and Board of Zoning  
Harrisonburg, VA 22801

To whom in may concern;

It is with great pleasure that I write this recommendation for Tara and Grant Koontz. I have known her since she moved to the neighborhood last fall. Both of them are very nice and they have been a wonderful addition to our community. Tara watches children in her home and truly has a gift with the young ones. I think she does a great job and the neighborhood has remained peaceful. Based on my experience, Tara and Grant should be granted the permit requested.

Sincerely,

A handwritten signature in cursive script, appearing to read "Martha F. Chew", followed by a horizontal flourish line.

Martha F. Chew

Laura Chew  
56 Cantrell Ave.  
Harrisonburg, VA 22801  
March 7, 2010

City of Harrisonburg  
Harrisonburg, VA 22801

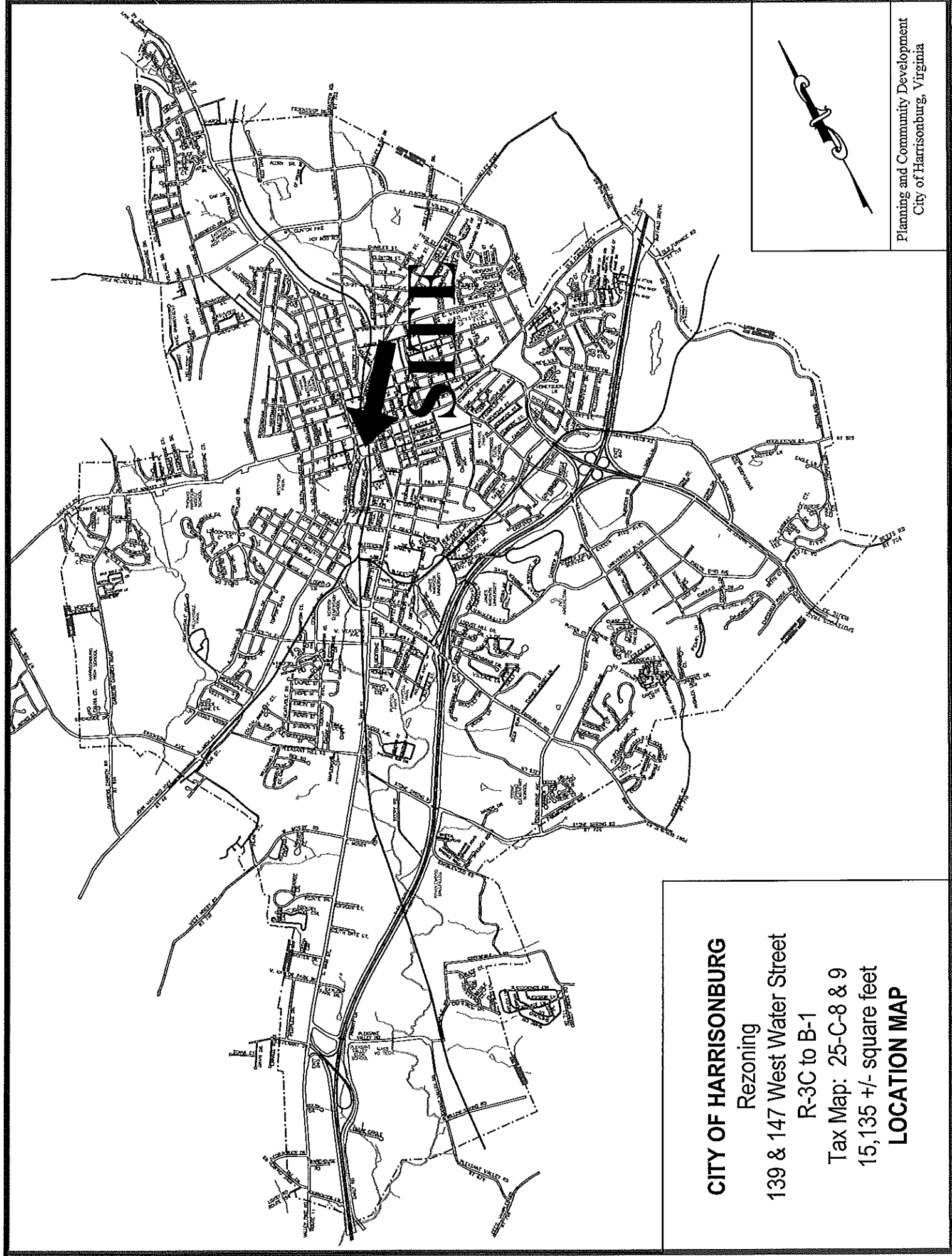
To whom it may concern:

I am writing this letter on behalf of Tara and Grant Koontz. I have lived in the neighborhood essentially my entire life. Tara and Grant have been absolutely wonderful neighbors since from the moment they moved here. Shortly after they joined the block, Tara was licensed to watch children in her home. She and Grant do an exceptional job with maintaining their house and yard. The children are always well supervised and they are an asset to the neighborhood. I understand that Tara would like to expand her business. I think that they would continue to do the wonderful job that they have already been doing. I believe whole-heartedly that they should be allowed to obtain a special use permit.

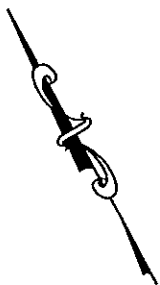
Thanks,

A handwritten signature in black ink, appearing to read 'Laura Chew', with a long, sweeping horizontal line extending to the right.

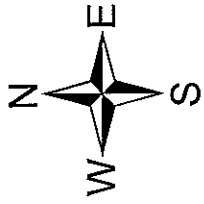
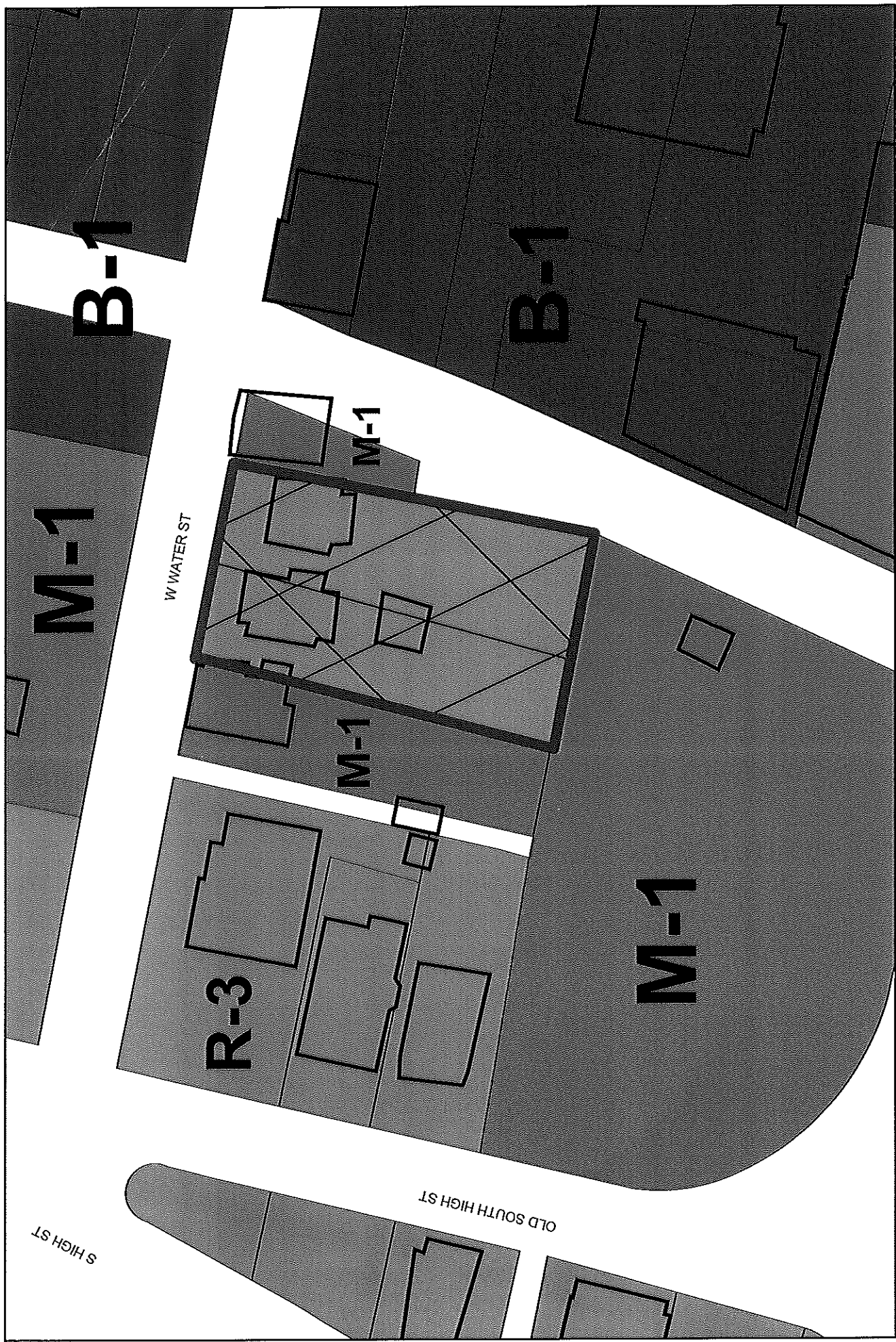
Laura Chew



**CITY OF HARRISONBURG**  
Rezoning  
139 & 147 West Water Street  
R-3C to B-1  
Tax Map: 25-C-8 & 9  
15,135 +/- square feet  
**LOCATION MAP**



Planning and Community Development  
City of Harrisonburg, Virginia



## 139 & 147 West Water Street Rezoning - R-3C to B-1



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

April 14, 2010

### REZONING – 139 & 147 WEST WATER STREET

#### GENERAL INFORMATION

**Applicant:** Stephan Hess  
**Tax Map:** 25-C-8 & 9  
**Acreage:** 16,000 square feet +/-  
**Location:** 139 & 147 West Water Street  
**Request:** Public Hearing to consider a request to rezone 16,000 square feet +/- from R-3C, Multiple Dwelling Residential District Conditional, to B-1C, Central Business District Conditional

#### LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office/service uses allowing people to both live and work in the same area.

The following land uses are located on and adjacent to the property:

**Site:** Two houses zoned R-3C, most recently used as professional office and residential  
**North:** Across Water Street, Community Mennonite Church and Fairfield Language Technologies, zoned M-1 and B-1 respectively  
**East:** Single family home zoned M-1 and C & W Railroad right of way  
**South:** Parking lot owned by Layman, Diener and Borntrager zoned M-1  
**West:** Single family home zoned M-1

#### EVALUATION

Both 139 and 147 W. Water Street were rezoned from M-1 to R-3C, Multiple Dwelling Residential District Conditional in June 2004 and September 2005 respectively, at the request of the applicant, Stephan Hess. The proffered conditions for both properties were identical, that the properties would be used for: all uses permitted in the R-1, Single family Residential District, or professional and medical offices.

Prior to these rezonings, the residential uses of the buildings were considered nonconforming uses. The rezoning allowed both the residential uses and the anticipated professional offices to be considered conforming uses. After the rezoning, the buildings remain nonconforming to multiple setback

requirements. The rezonings also aligned the zoning more closely with the Comprehensive Plan's land use designation of Mixed Use Development than the previous M-1 zoning. Since the rezonings, parking has been added behind the buildings and they have been occupied both residentially and by professional offices.

The property owner is currently trying to lease the properties and has found interest from businesses such as service providers and retailers. He feels that rezoning the property to B-1, Central Business District, will provide increased opportunities in the leasing of the buildings. The B-1 classification permits multiple uses, including mercantile, service, restaurant, professional and business offices, hotels, institutional uses and housing with the added benefit of having no setback or parking requirements. With no setback requirements, the existing buildings on these lots would become conforming to the zoning ordinance. The applicant is aware that additional uses of these buildings could trigger the need for improvements to meet building codes. The current driveway on the site, between the two buildings, has limited sight distance towards Liberty Street because of the house on the adjacent lot. If this property is redeveloped in the future, and the driveway was to remain, this issue would need to be addressed.

A rezoning would also allow more signage. The current R-3 classification limits signs for nonresidential uses to twenty-four (24) square feet in area for each main building or use, with a maximum height of six (6) feet. The B-1 classification would permit sign area based on site frontage—about forty (40) square feet per lot—and a maximum height of thirty (30) feet. The signage allowed by B-1 is similar to the signage permitted on the adjacent M-1 properties.

The Comprehensive Plan anticipates Mixed Use Development for this area, which is compatible with the B-1 zoning. Staff was concerned that a rezoning of this small area alone could simply result in future development of residential uses similar to what's found in our R-3 areas, without consideration to the mixed use or architectural elements that we want to encourage in our downtown area. To address this concern regarding multi family use, the applicant has proffered:

“ . . . to allow all uses permitted by right and by special use permit under sections 10-3-84 and 10-3-85 of the Harrisonburg Zoning Ordinance; amending, however, section 10-3-84 subsection (3) to read: Hotels, motels and buildings used for **two or less** dwelling unit(s), CBD, as defined under Section 10-3-24. Dwelling unit(s), CBD, may be occupied by a family or not more than four persons, except that such occupancy may be superseded by building regulations.”

If this property was to ever be part of a larger scale urban development in this area, the additional properties would also have to be rezoned and these proffers could be modified to suit the project as part of the larger rezoning.

While this rezoning could be considered a natural extension of our downtown area and in compliance with the Comprehensive Plan land use guide, any expansion of our B-1 district may add to the need for additional downtown parking spaces. Because the B-1 classification does not require parking spaces, any additional land requested to be added to the classification should be evaluated for its potential impact on parking demand. The closest public parking to these lots is about 350 feet away, at the Water Street parking deck. It has been documented recently that this is one of the highest use City parking facilities. Although the subject property's size may be viewed as small enough not to cause parking concerns, it is larger than many very busy locations downtown. This is a factor of the absence

of setbacks in the B-1 district and also the ability to build up to 75 feet in height. In addition, these two parcels are part of a larger block of properties which may also request rezoning to B-1. With the current building configuration, the site would easily accommodate about 15 parking spaces. Staff is concerned that rezoning property in this area without consideration for how the parking need will be met is not in the best interests of our downtown area or the city in general.

While staff is appreciative of the owner’s proffer to keep the lots from development as routine apartment buildings and the fact that the request is in line with the Comprehensive Plan, concerns about parking for this property and the precedent this sets for the entire block remain. Because of this concern, staff does not recommend approval of this rezoning request.



Stephan Hess  
620 Confederacy Dr.  
Penn Laird, VA 22846  
540-246-2046

March 08, 2010

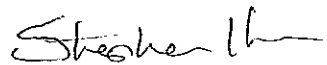
Adam Fletcher  
City of Harrisonburg  
Zoning and Planning Commission

RE: Rezoning application by Stephan Hess and David Allen for properties located at 139 and 147 West Water St. in the city of Harrisonburg Virginia.

Dear Adam,

I am writing to request that the above referenced properties be rezoned from their current multi use R3 with conditions designation to a B1 designation. The level of economic activity downtown has clearly increased and expanded outward with many new projects and businesses coming in. I see this continuing. Our houses are located in an area that will likely see increased commercial development as the revitalization continues. We feel that our location lends itself better towards business/retail. Therefore, we would like to have increased flexibility in considering potential tenants that fall outside of our current R3 mixed use guidelines. The houses are in very good condition and will be extremely desirable for the right business that wants a downtown location with parking, heavy traffic flow, and ample pedestrian traffic. We are open to limiting the types of businesses that can potentially use the space based on your recommendations. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephan Hess", with a stylized flourish at the end.

Stephan Hess

Stephan Hess  
620 Confederacy Dr.  
Penn Laird, VA 22846

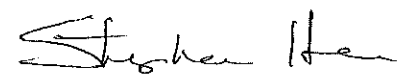
April 8, 2010

Alison Banks  
City of Harrisonburg  
Zoning & Planning Commission

Dear Alison,

I hereby request to rezone 139 and 147 West Water Street from R-3 Conditional to B-1 Conditional and proffer to allow all uses permitted by right and by special use permit under sections 10-3-84 and 10-3-85 of the Harrisonburg Zoning Ordinance; amending, however, section 10-3-84 subsection (3) to read: Hotels, motels and buildings used for **two or less** dwelling unit(s), CBD, as defined under Section 10-3-24. Dwelling unit(s), CBD, may be occupied by a family or not more than four persons, except that such occupancy may be superseded by building regulations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stephan Hess".

Stephan Hess

Date Application Received: 03-09-10

Total Paid: \$350<sup>00</sup> AP

## Application for Change of Zoning District City of Harrisonburg, Virginia

### Section 1: Property Owner's Information

Name: Stephan Hess  
Street Address: 620 Confederacy Dr. Email: SJH Plan 4 U @ Yahoo. Com  
City/State/Zip: Penn Laird VA 22846  
Telephone (work): 540 248 5120 (home or cellular): 540 246 2046 (fax): 540 248 5121

### Section 2: Owner's Representative Information

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_ Email: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone (work): \_\_\_\_\_ (home or cellular): \_\_\_\_\_ (fax): \_\_\_\_\_

### Section 3: Description of Property

Location (street address): 139 & 147 W. Water St. 25C 8 and 25C 9  
Tax Map Number: Sheet: 25 Block: C Lot: \_\_\_\_\_ Total Land Area (acres or square feet): 16,000  
Existing Zoning District: R3 with Conditions Proposed Zoning District \*: B1  
Existing Comprehensive Plan Designation: mixed use

*\*If applying for conditional rezoning, provide a letter stating proffers on separate sheet of paper*

### Section 4: Application Fee

\$325.00 plus \$25.00 per acre, and if applicable, Fees for a Traffic Impact Analysis (TIA) Review (see below)

- (a). Would the development from this rezoning require a Traffic Impact Analysis by VDOT?  
Yes \_\_\_\_\_ No X

*If yes, then fees must be made payable to VDOT to cover costs associated with the TIA review.*

**PLEASE NOTE** – If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.

- (b). Would the development from this rezoning require a Traffic Impact Analysis review by the City?  
Yes \_\_\_\_\_ No X

*If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.*

**PLEASE NOTE** – If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.

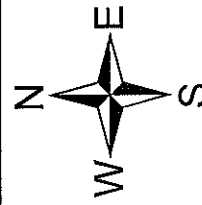
### Section 5: Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North: Rosetta Stone INC.  
East: Krista Spangler  
South: Layman Diener Borntrager INC.  
West: Alan Dellinger

### Section 6: Certification

I certify that the information contained herein is true and accurate. Signature: Stephan Hess  
Property Owner

*See Back for Items Required for Submission*



# **139 & 147 West Water Street Rezoning R-3C to B-1**

